

**WSR 24-21-076**  
**PROPOSED RULES**  
**SOUTHWEST CLEAN**  
**AIR AGENCY**

[Filed October 15, 2024, 9:39 a.m.]

Original Notice.

Proposal is exempt under RCW 70A.15.2040(1).

Title of Rule and Other Identifying Information: Southwest clean air agency (SWCAA) 400-025 Adoption of Federal Rules, existing rule section establishing an adoption by reference date for federal regulations cited in other sections of SWCAA 400.

SWCAA 400-030 Definitions, existing rule section containing definitions for words and phrases used throughout SWCAA 400.

SWCAA 400-045 Permit Application for Nonroad Engines, existing rule section identifying requirements for nonroad engine permit applications.

SWCAA 400-046 Application Review Process for Nonroad Engines, existing rule section identifying requirements for the processing and approval of nonroad engine permit applications.

SWCAA 400-070 General Requirements for Certain Source Categories, existing rule section containing minimum air emission standards and work practices for selected source categories.

SWCAA 400-072 Small Unit Notification for Selected Source Categories, existing rule section containing air emission standards, work practices, and monitoring/reporting requirements that may be used in lieu of new source review for selected small source categories.

SWCAA 400-075 Emission Standards for Stationary Sources Emitting Hazardous Air Pollutants, existing rule section adopting by reference federal standards relating to hazardous air pollutant standards contained in 40 C.F.R. Parts 61, 63, and 65.

SWCAA 400-099 Per Capita Fees, existing rule section identifying the authority for, method of determination, and amount of SWCAA's per capita fee assessment for supplemental income.

SWCAA 400-100 Registration Requirements, existing rule section identifying requirements for registration and inspection of air contaminant sources.

SWCAA 400-105 Records, Monitoring and Reporting, existing rule section identifying requirements for emission monitoring, emission sampling and reporting, and submission of emission inventories.

SWCAA 400-115 Standards of Performance for New Sources, existing rule section adopting by reference federal standards for new sources contained in 40 C.F.R. Part 60.

SWCAA 400-171 Public Involvement, existing section identifying requirements for public notice of SWCAA actions, and the process by which public involvement is to be administered. This section also identifies those documents that are subject to a formal public notice and those that are not subject to a formal public notice.

SWCAA 400-200 Vertical Dispersion Requirement, Creditable Stack Height and Dispersion Techniques, existing rule section identifying presumptive requirements for new exhaust stack installations, and describes the procedure by which the maximum creditable stack height is to be determined.

SWCAA 400 Appendix C—Federal Standards Adopted by Reference, existing rule section containing informational lists of all federal regulations adopted by reference pursuant to SWCAA 400-075 and 400-115.

Hearing Location(s): On December 30, 2024, at 6:00 p.m., virtual online hearing. Contact SWCAA to register for online hearing.

Date of Intended Adoption: January 2, 2025.

Submit Written Comments to: Wess Safford, 5101 N.E. 82nd Avenue, Suite 102, Vancouver, WA 98662, email wess@swcleanair.org, fax 360-576-0925, by December 30, 2024.

Assistance for Persons with Disabilities: Contact Tina Hallock, phone 360-574-3058 ext. 110, fax 360-576-0925, TTY 360-574-3058, email tina@swcleanair.org, by December 20, 2024.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: SWCAA 400-025 Adoption of Federal Rules, the proposed rule changes update the adoption by reference date for federal regulations cited in other sections of SWCAA 400.

SWCAA 400-030 Definitions, the proposed rule changes add a definition for "hazardous air pollutant" and revise the definition for "nonroad engine."

SWCAA 400-045 Permit Application for Nonroad Engines, the proposed rule changes revise stationary engine exceptions.

SWCAA 400-046 Application Review Process for Nonroad Engines, the proposed rule changes remove the 40 C.F.R. 89 reference in SWCAA 400-046 (2)(c) and recordkeeping requirements for engine location in SWCAA 400-046(7).

SWCAA 400-070 General Requirements for Certain Source Categories, the proposed rule changes update the federal regulation citation in SWCAA 400-070 (6)(c).

SWCAA 400-072 Emission Standards for Selected Small Source Categories, the proposed rule changes revise complaint reporting sections for consistency (business vs. calendar days), clarify the definition of heater in SWCAA 400-072 (5)(b), add a maximum combined horsepower limit to SWCAA 400-072 (5)(c), modify emergency use recordkeeping requirement in SWCAA 400-072 (5)(c), remove setback requirement from SWCAA 400-072 (5)(d), and make administrative edits.

SWCAA 400-075 Emission Standards for Stationary Sources Emitting Hazardous Air Pollutants, the proposed rule changes add a reference to the Administrator of the Environmental Protection Agency (EPA) in SWCAA 400-075 (5)(b).

SWCAA 400-099 Per Capita Fees, the proposed rule changes revise RCW citations from 70.94 to 70A.15.

SWCAA 400-100 Registration Requirements, the proposed rule changes clarify the applicability of registration requirements.

SWCAA 400-105 Records, Monitoring and Reporting, the proposed rule changes add "hazardous air pollutants" to the list of pollutants in SWCAA 400-105(1) and remove the Federal Clean Air Act Section 112 citation.

SWCAA 400-115 Standards of Performance for New Sources, the proposed rule changes update the list of new source performance standards adoption exceptions.

SWCAA 400-171 Public Involvement, the proposed rule changes clarify synthetic minor applicability and website publication of public notice.

SWCAA 400-200 Vertical Dispersion Requirement, Creditable Stack Height and Dispersion Techniques, the proposed rule changes revise SWCAA 400-200(1) applicability to exclude domestic hot water units.

SWCAA 400 Appendix C—Federal Standards Adopted by Reference, the proposed rule changes update the informational list of adopted federal regulations.

Reasons Supporting Proposal: The proposed changes are necessary to support SWCAA's implementation of the Washington State Clean Air Act and associated federal standards.

Statutory Authority for Adoption: RCW 70A.15.2040(1).

Statute Being Implemented: RCW 70A.15.2040(1).

Rule is not necessitated by federal law, federal or state court decision.

Name of Proponent: SWCAA, governmental.

Name of Agency Personnel Responsible for Drafting: Wess Safford, 5101 N.E. 82nd Avenue, Suite 102, Vancouver, WA 98662, 360-574-3058 ext. 126; Implementation: Clint Lamoreaux, 5101 N.E., 82nd Avenue, Suite 102, Vancouver, WA 98662, 360-574-3058 ext. 131; and Enforcement: Bryan Smith, 5101 N.E. 82nd Avenue, Suite 102, Vancouver, WA 98662, 360-574-3058 ext. 122.

A school district fiscal impact statement is not required under RCW 28A.305.135.

A cost-benefit analysis is not required under RCW 34.05.328. Pursuant to RCW 70A.15.2040(1), section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. SWCAA is not voluntarily invoking section 201, chapter 403, Laws of 1995, for this action.

This rule proposal, or portions of the proposal, is exempt from requirements of the Regulatory Fairness Act because the proposal:

Is exempt under RCW 70A.15.2040(1).

Explanation of exemptions: Pursuant to RCW 70A.15.2040(1), air pollution control authorities are authorized to adopt and amend rules and regulations in accordance with chapter 42.30 RCW and selected portions of chapter 34.05 RCW. SWCAA is not deemed a state agency and is not required to comply with the provisions of chapter 19.85 RCW.

October 15, 2024

Uri Papish

Executive Director

**Reviser's note:** The material contained in this filing exceeded the page-count limitations of WAC 1-21-040 for appearance in this issue of the Register. It will appear in the 24-23 issue of the Register.